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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

FITNESS INTERNATIONAL, LLC

Plaintiff,

-vs-

LEAH ALSPAUGH and DOES 1  
through 50, inclusive,

Defendant.

Case No.: 8:22-CV-01800-DOC-DFM

**FITNESS INTERNATIONAL, LLC'S  
SUPPLEMENTAL MEMORANDUM  
OF POINTS AND AUTHORITIES IN  
SUPPORT OF ITS *EX PARTE*  
APPLICATION FOR ISSUANCE OF  
ORDER TO SHOW CAUSE RE:  
CONTEMPT AND FOR  
IMPRISONMENT OF DEFENDANT  
AND/OR MONETARY SANCTIONS  
[DKT. 47]**

Hearing

Date:

Time:

Courtroom: 10A

1 On April 6, 2023, plaintiff FITNESS INTERNATIONAL, LLC's ("Fitness")  
2 filed an *Ex Parte* application for an Order to Show Cause Re Contempt and for  
3 Monetary Sanctions or Imprisonment of defendant LEAH ALSPAUGH ("Defendant").  
4 [Dkt. 47.] Fitness has just learned of Defendant's continuing violation of the  
5 Preliminary Injunction entered by the Court on November 1, 2022. [Dkt. 26.]

6 On April 7, 2023, Fitness learned that on April 6, 2023, Defendant went to its  
7 Irvine-East LA Fitness gym, spoke with the Club's Operations Manager, Allen Frazier,  
8 informed Mr. Frazier that she was the "owner," and demanded that he give her cash.  
9 During that conversation, Defendant handed Mr. Frazier a document which included a  
10 check from the bank JP Morgan Chase. The account holder on the check is identified  
11 as "LA Fitness LLC" and the address on the check is 700 W 7<sup>th</sup> St STE G300, Los  
12 Angeles CA 90071. [Frazier Decl., at ¶¶1-6, and **Exhibit 1** attached thereto.]

13 While the address identified on the check provided by Defendant to Mr. Frazier  
14 is that of Fitness' "Downtown LA Bloc – Flower St." club, LA Fitness is one of Fitness'  
15 brand names, and is not a separate limited liability company. Moreover, neither Fitness  
16 nor its brand, LA Fitness, opened nor authorized any person to open the bank account  
17 at Chase identified on the check handed to Mr. Frazier by Defendant. [Supplemental  
18 Declaration of Megan Stokesberry, at ¶¶2-3 and **Exhibit 1** attached thereto.]

19 As discussed above and in the accompanying declarations of Allen Frazier and  
20 Megan Stokesberry, and as set forth in Fitness' most recent *ex parte* to hold Defendant  
21 in contempt [Dkt. 47], Defendant's conduct and violations of the Preliminary Injunction  
22 are nonstop, unrelenting, and escalating. She continues to infringe on Fitness'  
23 trademarks, continues to misrepresent herself as the owner of Fitness to both Fitness  
24 employees and third parties, continues to take action as "LA Fitness" (this time by  
25 opening up a bank account), and continues to harass Fitness employees and trespass  
26 onto Fitness property, this time to demand that a Fitness employee give her cash.

1 It is clear that neither admonitions from this Court, the imposition of monetary  
2 sanctions, nor even the threat of possible imprisonment, are sufficient to deter  
3 Defendant from her harassing – and increasingly dangerous - course of conduct. Fitness  
4 therefore requests that the Court set an Order to Show Cause why Defendant should not  
5 be held in contempt, and to imprison Defendant until she complies with this Court’s  
6 order.

7  
8 DATED: April 7, 2023

YOKA | SMITH, LLP

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10  
11 BY: 

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INTERNATIONAL, LLC